

REMARKS

In the Office Action under reply, The National Instruments User Manual ("Computer-Based Instruments NI 5911 User Manual Digital Oscilloscope for PCI") and National Instruments Quick Reference Guide ("NI-SCOPE Instrument Driver Quick Reference Guide") (collectively hereinafter, "National Instruments") once again were relied upon to reject all of the claims. National Instruments was used by itself to reject claims 2-6, 11, 23-27, 32 and 43-49 as allegedly being obvious. National Instruments was combined with Shirai (U.S. Patent 5,736,971) to reject claim 13.

In a good-faith effort to better define what Applicants believe is their invention, the independent claims have been replaced by a single independent claim, namely, claim 50. All remaining claims, that is, claims 51-55 and previously submitted dependent claims 2, 4-6, 11, 13 and 44 now depend from claim 50. Claim 43 has been rewritten in dependent form and claim 43 likewise depends from new claim 50. It is respectfully submitted, claims 2, 4-6, 11, 13, 43-44 and 50-55, as presented herein, are patentably distinct over National Instruments, with or without Shirai.

Claim 50 is presented to make clear that the processing web represents and, as described in the instant application, graphically depicts the operating elements included in the digital oscilloscope. When the capability of the oscilloscope is changed, for example, when its capability is increased by adding hardware or software operating elements, a corresponding additional processing element is added to the processing web so as to incorporate the added capability into the data flow processing of the oscilloscope. Thus, the processing web is dynamically changed when the functionality of its corresponding oscilloscope changes by reason of adding hardware or software options to the oscilloscope.

On the contrary, National Instruments (even when considered with the reference therein to LabView) resembles a processing language and merely loads files to add to the program. There is no dynamic relationship between an oscilloscope (or other test instrument, for that matter) and processing elements that correspond to the functioning, operating elements of the oscilloscope, as there is here. In particular, National Instruments fails to suggest a method that

provid[es] an additional processing element for use with the processing web upon the addition of a corresponding operating capability to the digital oscilloscope, said additional processing element having at least one input pin and at least one output pin;

and that

include[es] the additional processing element in the processing web, thereby incorporating the corresponding additional capability into the data flow processing by the digital oscilloscope, by connecting one or more of said input and output pins of the additional processing element to the processing web.

Indeed, the functionality of National Instruments is markedly different from the functionality of Applicants' claimed method.

Therefore, in view of the significant differences between Applicants' claims and the description found in National Instruments, the withdrawal of the rejection of this application in view of National Instruments, and the allowance of claims 2, 4-6, 11, 13, 43-44 and 50-55 are respectfully solicited.

It is recognized that Shirai was relied upon only to reject claim 13. Shirai does not cure the aforementioned deficiencies of National Instruments. Hence, the addition of Shirai does not render claim 50 (and, thus the remaining claims that depend from claim 50) obvious.

Statements appearing above in respect to the disclosures in the cited references represent the present opinions of the undersigned attorney and, in the event the Examiner disagrees with

any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the references providing the basis for a contrary view.


Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Early and favorable consideration is respectfully requested.

Respectfully submitted,

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